

Council of Europe
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European Union
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SUPPORT TO PROSECUTORS NETWORK IN SOUTH-EASTERN EUROPE

REGIONAL PROSECO PROJECT CARDS 2006

Revised Monthly Activity Report – April 2009

Project title	Support to Prosecutors' Network in South Eastern Europe
Reference number	2008/153-650
Project starting date	17 April 2008
Project duration	17 April 2008-16 April 2010
Implementation	Council of Europe (Economic Crime Division, Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) and Ministry of Justice of Italy
Project budget	1 666 669 Euros
Date of report	24 June 2009
Reporting period	1-30 April 2009

Updated work plan

OUTPUT 1	Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation	
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved	Ongoing
Activity 1.2	Up to 2 legal reviews per project area (and continuous ad hoc advice) in order to review the existing legislation on investigation, prosecution and co-operation against serious crime	August 2008 – March 2010
1.2.1	<ul style="list-style-type: none"> ▪ Albania Review of Law on International Co-operation	
1.2.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 Completed
1.2.3	<ul style="list-style-type: none"> ▪ Croatia Review of new provisions / amendments to the Law on International Co-operation	no information on when the draft will be available
1.2.4	<ul style="list-style-type: none"> ▪ Montenegro Review of amendments to the Criminal Code	May 2009
1.2.5	<ul style="list-style-type: none"> ▪ Serbia Review of draft Law on Mutual Legal Assistance in Criminal Matters	November – December 2008 Completed
1.2.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” Review of Draft Law on International Co-operation	December 2008 – January 2009 Completed
1.2.7	<ul style="list-style-type: none"> ▪ “Kosovo under UNSCR 1244”¹ Review of Draft Law on Money Laundering	June – July 2009
1.2.8	<ul style="list-style-type: none"> ▪ Assessment on compliance of legislation of project areas with CEST 182 and with the EU convention on MLA from 2000 	February – June 2009
1.2.9	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Review of cybercrime provisions in national legislation	April – May 2009
1.2.10	<ul style="list-style-type: none"> ▪ Croatia Review of certain provisions of Criminal Code	October-December 2009
1.2.11	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” Review of cybercrime provisions in national legislation	May 2009
1.2.12	<ul style="list-style-type: none"> ▪ Serbia Review of Revised Criminal Code	April – May 2009
Activity 1.3	2 roundtables per project area (follow up to the legal reviews) and 2 regional workshops October 2008-April 2010	
1.3.1	Albania	
1.3.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina 	7 November

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

	Roundtable on Draft Law on International Co-operation in Criminal Matters	2008 Completed
1.3.3	▪ Croatia	
1.3.4	▪ Montenegro	
1.3.5	▪ Serbia	
1.3.6	▪ "the former Yugoslav Republic of Macedonia" Roundtable on assessment of cybercrime provisions in national legislation	June 2009
1.3.7	▪ "Kosovo under UNSCR 1244"	
1.3.8	▪ Regional Workshop 1 Workshop on Compliance of legislation of project areas with CETS 182 (2 nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	June 2009 in Durrës, Albania
1.3.9	▪ Bosnia and Herzegovina Roundtable on Compliance of Legislation of BiH with CETS 182 (2 nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	June 2009
1.3.10	▪ Bosnia and Herzegovina Roundtable on assessment of cybercrime provisions in national legislation	7 April 2009 Completed
1.3.11	Serbia	
1.3.12	▪ Regional Workshop 2 Follow up to Regional Workshop 1 and its recommendations	January 2010
Output 2	Human capacities of prosecution services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases	
Activity 2.1	4 Regional thematic trainings (e.g. joint investigative teams, use of special investigation means, cybercrime, witness protection, confiscation and assets sharing)	
2.1.1	▪ Regional Thematic Training 1 Financial Investigations and Confiscation of Proceeds from Crime	Dubrovnik, Croatia 25 and 26 September 2008 Completed
2.1.2	▪ Regional Thematic Training 2 Training for prosecutors and judges and Conference on Co-operation under the Cybercrime Convention Follow up activities: ➤ Finalisation of country profiles ➤ Translation of training manual for judges and prosecutors ➤ Participation in the Octopus Cybercrime Conference in Strasbourg in March 2009 - completed	Ohrid, FYROM, 17-19 November 2008 Completed March – April 2009
2.1.3	▪ Regional Thematic Training 3 Practical implementation of measures foreseen by CETS 182: cross-border observations; controlled deliveries; video hearings and joint investigative teams	September 2009

2.1.4	<ul style="list-style-type: none"> ▪ Regional Thematic Training 4 <p>Proposed topic 1: witness protection, levels and types of protection (proposal of BiH delegation)</p> <p>Proposed topic 2: money laundering (proposal of Montenegro delegation)</p>	January 2010
Activity 2.2	2 Thematic in-project area training sessions (on issues of priority interest)	August 2008 – March 2010
2.2.1	<ul style="list-style-type: none"> ▪ Albania <p>Training on cybercrime for law enforcement officers, prosecutors and judges</p>	16-17 April 2009 Durrës Completed
2.2.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina <p>Training for prosecutors and law enforcement officers on SIMS and international recognition of evidence collected by using SIMS</p>	5-6 March 2009 Completed
2.2.3	<ul style="list-style-type: none"> ▪ Croatia <p>Training on joint investigation teams</p>	
2.2.4	<ul style="list-style-type: none"> ▪ Montenegro <p>Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange on reporting corruption related offences</p>	24-25 November 2008 Podgorica Completed
2.2.5	<ul style="list-style-type: none"> ▪ Serbia <p>Training on International Co-operation in international instruments</p>	Belgrade 18 September 2008 Nis 19 September 2008 Completed
2.2.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” <p>Training on SIMS</p>	28-29 April 2009 Completed
2.2.7	<ul style="list-style-type: none"> ▪ “Kosovo under UNSCR 1244” <p>(to contact Kosovo Judicial Institute to obtain the list of planned training sessions and to see about possible co-organisation with the US donors)</p>	
2.2.8	<ul style="list-style-type: none"> ▪ Croatia <p>Training on money laundering</p>	
2.2.9	<ul style="list-style-type: none"> ▪ Montenegro <p>Training on prosecutor’s role in leading investigations in cases of serious crime</p>	after the adoption of CPC
2.2.10	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” <p>Training on new role of Prosecutor in investigations</p>	after the adoption of a new CPC
2.2.11	<ul style="list-style-type: none"> ▪ Montenegro <p>Training on money laundering</p>	after the adoption of CPC
Activity 2.3	Organisation of two-week internship programme (3 prosecutors per project area) to EU member States (Italy, Portugal and Slovenia)	

2.3.1	<ul style="list-style-type: none"> ▪ Internship 1 – Italy (Rome, Napoli and Bari) 	17-28 November 2008 Completed
2.3.2	<ul style="list-style-type: none"> ▪ Internship 2 	6-17 July 2009
2.3.3	<ul style="list-style-type: none"> ▪ Internship 3 <p>Portugal</p> <p>Proposal to replace Slovenia with Germany</p>	January 2010
Output 3	Co-operation manual and other tools available for more effective co-operation against serious crime	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation	October 2008- June 2009
Activity 3.2	<p>Translation and publication of explanatory reports of relevant conventions and other documents of priority interest in local languages</p> <p>Contact Persons to define what documents are to be translated and submit a list to the CoE by the end of February</p>	June – July 2009
Activity 3.3	<p>Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime</p> <p>Parts of the PACO Manual will be sent to the Contact Persons from MoJ for revision and update</p>	January 2009 – July 2009
Activity 3.4	<p>Creation of web sites on judicial co-operation to be hosted on the existing web sites of prosecutor offices and/or Ministries of Justice and Ministries of Interior / Security</p> <ul style="list-style-type: none"> ▪ A link to PROSECO Project to be made at the existing sites of the MoJ and PO ▪ Contact Persons to inform the CoE on exact needs <p>Add a link to the UNODC tool with an electronic form of the MLA request</p>	December 2009- April 2010
Output 4	Contact points for judicial co-operation strengthened	
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks.	April 2008 – January 2009
Activity 4.2	Organisation of 2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities	
4.2.1	<ul style="list-style-type: none"> ▪ Regional Meeting 1 <p>5th Meeting of Prosecutors’ Network with SEEPAG contact points</p>	16 January 2009 Strasbourg Completed
4.2.2	<ul style="list-style-type: none"> ▪ Regional Meeting 2 <p>6th Meeting of Prosecutors’ Network - Effective channels of communication (Art 4 of CETS 182)</p>	28-29 April Zagreb, Croatia 2009 Completed
Activity 4.3	Organisation of 2 regional meetings of contact points and members of prosecutorial network and heads of organised crime units from each project area to strengthen networking at regional level	
4.3.1	<ul style="list-style-type: none"> ▪ Regional Meeting 1 	October 2009

	7 th Meeting of Prosecutors' Network	
4.3.2	<ul style="list-style-type: none"> ▪ Regional Meeting 2 8 th Meeting of Prosecutors' Network	January 2010
Activity 4.4	Organisation of a regional conference of Prosecutors' Network with the aim of amending the Memorandum of Understanding for the Establishment of the Prosecutors' Network Date to be decided at the 6 th Meeting of Prosecutors' Network	

Annual work plan April 2008– April 2009

Cell with C: activity completed.

Darker cell: progress in project's execution.

Cell with *: Forecast when the activity should be completed.

Comments: overall delay in project implementation.

- Activity 1.1: According to Inception Report, Activity .1.1 should have been completed in Month 6 of year 1. Activity still ongoing.
- Activity 1.2.8: Activity was added into the original work plan after the second SC meeting in January 2009. It was foreseen to be completed in period February – June 2009, but it is delayed due to slow finalisation of MLA questionnaires project areas. It is foreseen that written analysis will be done in July 2009.
- Activity 1.3.8: Activity added into the original workplan after the second SC meeting in January 2009. As it is linked to Activity 1.2.8 the date of completion has to be postponed. The idea is to have this activity in September back to back with the Activity 2.1.3.
- Activity 1.3.6: This activity is linked with the activity 1.2.11, completed in April 09. It has to be confirmed if this activity is still to take place or not, and to confirm the date.
- Activity 3.1: The activity is delayed as required information has not been submitted by some of the project areas.

Description		Months April 2008 – March 2009												Months April 2009 – March-April 2010													
		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)	
	Inception phase (12 weeks)			C																							
Output 1:	Draft laws aimed at making investigations and prosecutions of serious crime cases available																										*
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved (by visiting each																										*

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	project area during the inception phase)																									
Activity 1.2	2 legal reviews per project area (and continuous ad hoc advice) in order to review the existing legislation on investigation, prosecution and co-operation against serious crime																								*	
Activity 1.2.1	Review of Law on International Co-operation Albania																			*						
Activity 1.2.2	Review of Draft Law on International Co-operation of Bosnia and Herzegovina							C																		
Activity 1.2.3	Review of new provisions / amendments to the Law on International Co-operation Croatia																									
Activity 1.2.4	Review of amendments to												*													

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)	
	the Criminal Code Montenegro																										
Activity 1.2.5	Review of Draft Law on International Co- operation of Serbia									C																	
Activity 1.2.6	Review of Draft Law on International Co- operation of FYROM										C																
Activity 1.2.7	Review of Draft Law on Money Laundering Kosovo																*										
Activity 1.2.8	Assessment of compliance of legislation of project areas with CETS 182 and EU MLA Convention																*										
Activity 1.2.9	Review of Cybercrime Provisions in legislation of Bosnia and Herzegovina													C													
Activity 1.2.10	Review of certain provisions of Criminal Code Croatia																										
Activity 1.2.11	Review of Cybercrime provisions													C													

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	legislation of FYROM																									
1.2.12	Review of revised Criminal Code of Serbia														*											
Activity 1.3	2 roundtables per project area as a follow up to the legal review and 2 regional workshops																									*
Activity 1.3.1	Albania																									
Activity 1.3.2	Roundtable on Draft Law on International Co-operation of Bosnia and Herzegovina								C																	
Activity 1.3.3	Croatia																									
Activity 1.3.4	Montenegro																									
Activity 1.3.5	Serbia																									
Activity 1.3.6	FYROM Roundtable on assessment of cybercrime provisions in national legislation															*										
Activity 1.3.7	Kosovo																									

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
Activity 1.3.8	Regional workshop 1 Compliance of legislation of project areas with CETS 182 and EU MLA Convention from 2000																		*							
Activity 1.3.9	Bosnia and Herzegovina Roundtable on Compliance of Legislation of BiH with CETS and with the EU MLA Convention from 2000																		*							
Activity 1.3.10	Roundtable on assessment of cybercrime provisions in legislation of Bosnia and Herzegovina													C												
Activity 1.3.11	Serbia																									
Activity 1.3.12	Regional workshop Follow up to Regional Workshop 1 and its recommendations																							*		
Output 2:	Human capacities of prosecution																							*		

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	services strengthened																									
Activities 2.1	4 regional thematic trainings on joint investigative teams, use of special investigative means, cybercrime, witness protection, confiscation and asset sharing organised																						*			
Activity 2.1.1	Regional Thematic Conference 1 Financial Investigations and Confiscation, Croatia						C																			
Activity 2.1.2	Regional Thematic Conference 2 Cybercrime, FYROM > Finalisation of country profiles > Participation of Octopus Cybercrime								C																	

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	Conference																									
Activity 2.1.3	Regional Thematic Conference 3 Practical Implementation of measures foreseen by CETS: cross border observations; controlled deliveries; video hearings and joint investigative teams																		*							
Activity 2.1.4	Regional Thematic Conference 4 Proposed topic 1:witness protection Proposed topic 2: money laundering																						*			
Activity 2.2	2 thematic in- country trainings on issues of priority interest for each project area organised																								*	
Activity 2.2.1	Training on Cybercrime, Albania													C												
Activity 2.2.2	Training on SIMS, Bosnia and												C													

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	Herzegovina																									
Activity 2.2.3	Croatia Training on joint investigative teams																									
Activity 2.2.4	Training on inter- agency co- operation and data exchange on reporting corruption related offences, Montenegro								C																	
Activity 2.2.5	Training on International Co- operation, Serbia						C																			
Activity 2.2.6	Training on SIMS, FYROM													C												
Activity 2.2.7	Kosovo																									
Activity 2.2.8	Croatia Training on money laundering																									
Activity 2.2.9	Montenegro Training on prosecutor's role in leading investigations in cases of serious crime																									
Activity 2.1.10	FYROM Training on new role of Prosecutor in investigations																									
Activity 2.2.11	Training on money laundering																									

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
Activity 2.3	Internship programmes for 3 prosecutors per project area EU countries																							*		
Activity 2.3.1	Internship to Italy								C																	
Activity 2.3.2	Internship to Portugal																*									
Activity 2.3.3	Internship to Germany																							*		
Output 3:	Co-operation manual and other tools available																									*
Activity 3.1	Inventory of international instruments and multilateral and bilateral agreements																*									
Activities 3.2	Explanatory reports of relevant conventions and other documents of priority interest translated and published in local languages																	*								
Activity 3.3	PACO Manual on judicial co-operation against corruption and																*									

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	organised crime updated and published																									
Activity 3.4	Web sites on prosecutors' co-operation in South-eastern Europe created																									*
Output 4:	Contact points for judicial co-operation strengthened																							*		
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks										C															
Activity 4.2	2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities										C			C												
Activity 4.2.1	5 th Meeting of Prosecutors' Network										C															
Activity 4.2.2	6 th Meeting of Prosecutors'													C												

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	12 A 10 (half month)
	Network																									
Activity 4.3	2 regional meetings of contact points and heads of organised crime units from each project area to strengthen networking at regional level, including the members of the prosecutors network																						*			
Activity 4.3.1	Regional meeting 1 7 th Meeting of Prosecutors' Network																			*						
Activity 4.3.2	Regional meeting 2 8 th Meeting of Prosecutors' Network																						*			
Activity 4.4	Regional conference of the prosecutor's network with the aim of amending the Memorandum of Understanding of the Prosecutor's Network																									

1 PROJECT IMPLEMENTATION: 1 – 30 APRIL 2009

1.1 Project Activities

Activity 1.2.8 – Assessment of compliance with CETS 182 and with EU MLA Convention from 2000

Completed questionnaires for analysis of compliance of national legislation of project areas with the Second Additional Protocol to the CoE Convention on Mutual Assistance in Criminal Matters (CETS 182) and with the EU Convention on Mutual Legal Assistance from 2000, were submitted by local short-term consultants for Bosnia and Herzegovina, Montenegro and "the former Yugoslav Republic of Macedonia". These questionnaires will be translated into English language and sent for an analysis to an expert on international co-operation.

Activity 1.2.11 – Review of cybercrime legislation in "the former Yugoslav Republic of Macedonia"

On 15 April 2009 the Council of Europe submitted to the Ministry of Justice the Comments on cybercrime provisions of the amendments to criminal code. Comments were prepared by Ms Cristina Schulman, the Cybercrime Project Manager of the Economic Crime Division of the Council of Europe.

Activity 1.3.10 – Roundtable on cybcrime legislation in Bosnia and Herzegovina, Sarajevo 7 April 2009

The objective of this roundtable was to review the existing legislation on cybercrime in Bosnia and Herzegovina, to finalise a legislative country profile and to identify provisions that need further reform in order to comply with the requirements of the Council of Europe Convention on cybercrime. The roundtable was organised by the Ministry of Justice of Bosnia and Herzegovina. Representatives from the relevant state level institutions as well as from both entities, Federation of BiH and Republika Srpska, were present. Although invited, representatives from Brcko District did not come. During the roundtable the possibility to ensure single legal standards within Bosnia and Herzegovina by implementing the regulation contained in the Convention on Cybercrime on a state level was discussed. The Council of Europe facilitators at this roundtable were Ms Cristina Schulman, Cybercrime Project Manager from the Economic Crime Division and Dr Marco Gercke², the Council of Europe expert.

Activity 2.2.1 – Training on application of cybercrime legislation in Albania, Dures, 16-17 April 2009

The objective of this training session was to promote the application of Albanian legislation in the investigation, prosecution, adjudication and international co-operation against cybercrime. The training was organised by the Prosecutor's Office of Albania in co-operation with the Council of Europe's office in Tirana and Council of Europe Secretariat. The training focused on current challenges related to cybercrime and electronic evidence and the particular problems for judges and prosecutors. The new legislative provisions were presented and discussed in detail. The Council of Europe facilitators at this training were Mr Alexander Seger, the Head of the Economic Crime

² Dr Marco Gercke, Council of Europe expert on cybercrime, is a lecturer of criminal law at the University of Cologne (Germany) and visiting professor at the Universities of Macau (China), University of Oldenburg (Germany) and University of Applied Science in Ansbach (Germany). He also lectures at the Academies for Judges in Berlin and Trier. He is engaged as an expert on cybercrime by the UNODC (United Nations Office for Drugs and Crime), the ITU (International Telecommunication Union), the OSCE (Organisation for Security and Co-operation in Europe), and other international organisations.

Division of the Council of Europe and Mr Uwe Rasmussen³, the Council of Europe expert on cybercrime. The agenda is enclosed in Annex 3. At the time of writing of this report the list of participants in English language was not available.

Activity 2.2.6 – Training Seminar on Special Investigative Means for prosecutors and law enforcement officers in "the former Yugoslav Republic of Macedonia", Skopje , 28-29 April 2009

The objective of the Training Seminar was to present best practices related to legislative preconditions for use of SIMS, their practical and cross border application. The experts made presentations of the following issues: legal restrictions for use of SIMS; surveillance by special units; wire tapping; technical surveillance within private facilities; use of undercover agents; co-operation and co-ordination between the police and judiciary; tracking telephone connection; on line searches; general positioning system; use of informants; presentation of evidence collected by the use of SIMS in the court; cross border application of SIMS; joint investigation teams and admissibility of evidence collected by use of SIMS in criminal proceedings abroad. The Training Seminar was interactive and it provoked a great interest among both the professional public and media representatives which follow the judicial reforms. Minister of Justice Mr Mihajlo Manevski opened the seminar.

The Council of Europe experts at this training seminar were: Mr Ralf Michelfelder⁴ and Mr Volker Rittenauer⁵. The third expert foreseen to take part in this Training Mr Alessandro Rapone from Italian Financial Police was unable to come. It was communicated to the Council at the late stage, thus it was impossible to provide a replacement.

Activity 4.2.2 – 6th Meeting of Prosecutors' Network, Zagreb, 28-29 April 2009

Objective:

The objective of the 6th Prosecutors' Network Meeting and PROSECO Contact Persons was to present advantages of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, in particular its provisions on channels of communication and to assess the functionality of the existing multilateral and bilateral agreements on prosecutorial communication and co-operation.

Results:

Second Additional Protocol and advantages of direct communication

Second additional protocol to the European Convention on Mutual Assistance in Criminal Matters was presented with overview of intentions, general ideas, purposes and main novelties and advantages. Some instruments were presented closer - hearing by video conference and by audio conference, spontaneous information, cross-border observations, controlled delivery, covert investigations, data protection, joint investigation teams and protection of witnesses. Status of signatures and ratifications were analysed as well as declarations given by the countries members of the Prosecutors' Network to the particular articles.

With respect of exchange of requests for mutual assistance discussion was focused on direct transitions of mutual legal assistance requests, communication, exchange of requests, spontaneous information exchange directly by judicial authorities and technical aspect of communication, all with reference to the Second Additional Protocol.

The advantages and way of work of the European Judicial Network was presented.

³ Mr Uwe Rasmussen (Denmark) is a lawyer contracted by the Microsoft for law enforcement and cybercrime issues. He was on many occasions engaged by the Council of Europe as an expert on cybercrime.

⁴ Mr Ralf Michelfelder is a County Chief of Police/Police Commander at the Wailblingen Police Department, Germany.

⁵ Mr Volker Rittenauer is Chief of Detective Division and Deputy Chief of Police in Heilbronn, Germany.

Assessment of usefulness of existing legal instruments for direct co-operation

It was concluded that there are enough legal instruments for direct co-operation and that they allow a satisfactory level of communication. The prosecutors in the region of South Eastern Europe are already quite familiar with the practice of direct contacts and use it as a normal and smooth way of solving difficulties, on a case by case basis.

As regards the Second Additional Protocol and in particular whether or not this instrument is sufficient for effective cross border co-operation, it was evident during discussions that knowledge of possibilities of Second Additional Protocol is on high level and provisions of protocol are assuring efficient cross-border co-operation. There are no significant problems with channels of communication among network members. However the level of compliance of national legislation with this instrument is not the same in all the project areas, like in Albania which have not incorporated all the possibilities into its legislation.

As regards co-operation outside the region the participants confirmed that informal contacts are relatively rare. Co-operation have sometimes legal basis in bilateral agreements but in several cases such basis is reciprocity.

Another important issue regarding direct co-operation which was discussed was admissibility of evidences collected by means of direct contact in the criminal proceedings abroad. Since countries have different provisions in national legislation it is sometimes hard to ensure that evidence taken or received from abroad is accepted by the court. The informal contacts among prosecutors exists but primarily to agree how evidences will be taken and how transmittance of evidences will be organised. However to ensure that the evidence is admissible at the court it should be sent by formal channels for international co-operation.

On the basis of Article 14 of MoU⁶ participants gave opinion on provisions of Memorandum and their effectiveness. It was agreed that in principle there is no need to change existing provisions, expect perhaps to include a list of activities in which network should have a leading role, such as in organisation of joint investigation teams.

With regard to the MoU the Kosovo⁷ prosecutors expressed a wish to sign the MoU and therefore become regular member of Prosecutors' Network. This issue will be dealt by at some of the next meetings of the Network, and decision will be taken by the prosecutor's office who are in the network since its establishment.

Training needs

There is lack of judicial training in particular training of judicial authorities for cases including international co-operation, such as Joint Investigation Teams, Controlled Deliveries or Video Conference.

Language training should also be stimulated in order to enable communication in single language. Prosecutors should more often use possibilities of modern technologies.

Visit to the General State Attorney Office of the Republic of Croatia

Upon invitation of General State Attorney of the Republic of Croatia participants visited State Attorney's Office to get more information's on its structure, competences and organisation, including USKOK (Office for fighting corruption and organised crime). Current work priorities are fight against corruption, organised crime, prosecution of war

⁶ Article 14 of the MoU: *The Signatories shall review the provisions of this Memorandum and their effectiveness every 12 months with a view to providing the amendments necessary to react to new developments in the field of organised crime.* MoU – Memorandum of understanding by which the Prosecutors' Network was established in 2005.

⁷ "All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo"

crimes and efficient international cooperation. Participants exchanged views and experiences on appointment procedure, immunities, and use of modern technologies. This visit was considered very useful and it was proposed to organise visits to other prosecutors office in the region in the framework of the PROSECO project .

The experts of Council of Europe at this meeting were: Mr Rok Šteblaj⁸, Ms Joana Gomes Ferreira⁹ and Mr Joachim Ettenhofer¹⁰.

2 NEXT STEPS: MAY 2009

Activity	Date	Venue
Activity 1.2.4 – Review of amendments to the Criminal Code of Montenegro	May	N/A.
Activity 1.2.8 – Assessment of compliance with CETS 182 and with EU MLA Convention	ongoing	All project areas
Activity 1.2.12 – Review of revised Criminal Code of Serbia	May	N/A.
Activity 3.3 – Update, translation and publication of PACO Manual	Ongoing	All project areas

⁸ Mr Rok Janez Steblaj, the Council of Europe expert, works in the Slovenian Ministry of Justice – International Co-operation Department. He was engaged as an expert in the activities related to the prosecutorial networking of the CARDS Judiciary project for Western Balkans.

⁹ Mrs Joana Gomes Ferreira, the Council of Europe expert, is a prosecutor at the General Prosecutor's Office of Portugal. She is responsible for international co-operation. Ms Gomes Ferreira is a member of the CoE Committee of experts on the operation of European Conventions on co-operation in criminal matters.

¹⁰ Mr Joachim Ettenhofer, the Council of Europe expert, is a senior prosecutor at the Office of the Prosecutor General in Munich, Germany. He is a European Judicial Network contact point for Bavaria.